

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE PRISON INDUSTRIES PROGRAM TO PROVIDE A SERVICE TO FARMERS AND RANCHERS BY ACCEPTING LIVESTOCK, CROPS, AND PRODUCE FROM THEM, PROCESSING THE LIVESTOCK, CROPS, AND PRODUCE FOR A FEE, AND RETURNING THE PROCESSED LIVESTOCK, CROPS, AND PRODUCE TO THE FARMERS AND RANCHERS FOR SALE BY THE FARMERS AND RANCHERS; AND AMENDING SECTION 53-30-132, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-30-132, MCA, is amended to read:

"53-30-132. Inmate participation and status in prison work programs -- prison industries and vocational training program -- wages and benefits. (1) The department of corrections may:

(a) establish prison industries that will result in the production or manufacture of products and the rendering of services that may be needed by any department or agency of the state or any political subdivision of the state, by any agency of the federal government, by any other states or their political subdivisions, or by nonprofit organizations and that will assist in the rehabilitation of inmates in institutions;

(b) obtain federal certification of specific prison industries programs in order to gain access to interstate markets for prison industries products;

(c) contract with private industry for the sale of goods or components manufactured or produced in shops under its jurisdiction and for the employment of inmates in federally certified prison industries programs;

(d) print catalogs describing goods manufactured or produced by prison industries and distribute the catalogs;

(e) fix the sale price for goods produced or manufactured by prison industries. Prices may not exceed prices existing in the open market for goods of comparable quality.

(f) require a correctional facility to purchase needed goods from other correctional facilities;

(g) provide for the repair and maintenance of property and equipment of institutions by inmates;

(h) provide for the removal of graffiti from property and equipment of institutions and the removal of litter from the property of institutions, public roads, and public parks by inmates;

1 (i) provide for construction projects, up to the aggregate sum of \$200,000 for each project, performed
2 by inmates. The department of administration may:

3 (i) exempt projects authorized by this subsection from the provisions of Title 18, chapter 2, relating to
4 construction, public bidding, bonding, or contracts; and

5 (ii) exempt inmates who provide labor for those projects from the labor and wage requirements of Title
6 18, chapter 2, part 4. Inmates providing labor for projects under this subsection must be paid a rate of pay as
7 provided in subsection (5).

8 (j) provide for the repair and maintenance by prison industries of furniture and equipment of any state
9 agency;

10 (k) provide for the manufacture by prison industries of motor vehicle license plates and other related
11 articles;

12 (l) sell manufactured or agricultural products and livestock on the open market;

13 (m) provide a service to farmers and ranchers by accepting livestock, crops, and produce from them,
14 processing the livestock, crops, and produce for a fee, and returning the processed livestock, crops, and produce
15 to the farmers and ranchers for sale by the farmers and ranchers;

16 ~~(m)~~(n) provide for the manufacture by prison industries of highway, road, and street marking signs for
17 the use of the state or any of its political subdivisions, except when the manufacture of the signs is in violation
18 of a collective bargaining contract;

19 ~~(n)~~(o) pay an inmate from receipts from the sale of products produced or manufactured or services
20 rendered in a program in which the inmate is working;

21 ~~(o)~~(p) collect 15% of the gross wages paid to an inmate employed in a federally certified prison
22 industries program, to be deposited in a department restitution fund and used to satisfy any unpaid restitution
23 obligation of the inmate or, if the obligation has been fully paid or no restitution was ordered, for transfer quarterly
24 to the crime victims compensation and assistance program in the department of justice for deposit in the state
25 general fund as provided in Title 53, chapter 9, part 1; and

26 ~~(p)~~(q) collect from an inmate employed in a federally certified prison industries program charges for
27 room and board consistent with charges established by the director for inmates assigned to prerelease centers.

28 (2) Except as provided in subsection (3), furniture made in the prison may be purchased by state
29 agencies in accordance with the procurement provisions under Title 18, chapter 4. All other prison-made
30 furniture may be sold only through licensed wholesale or retail furniture outlets or through export firms for sale

1 to international markets.

2 (3) Any state institution, facility, or program operated by the department of corrections may purchase
3 prison-made furniture without complying with the procurement provisions under Title 18, chapter 4.

4 (4) While engaged in on-the-job training and production, inmates not employed in a federally certified
5 prison industries program may be paid a wage in accordance with subsection (5). Inmates employed in a
6 federally certified prison industries program must be paid as provided in subsection (5).

7 (5) (a) Except as provided for in subsection (5)(b), payment for the performance of work may be based
8 on the following criteria:

9 (i) knowledge and skill;

10 (ii) attitude toward authority;

11 (iii) physical effort;

12 (iv) responsibility for equipment and materials; and

13 (v) regard for safety of others.

14 (b) The maximum rate of pay must be determined by the appropriation established for the program,
15 except that an inmate employed in a federally certified prison industries program must be paid at a rate not less
16 than the rate paid for similar work in the locality where the inmate performs the work.

17 (6) Premiums for workers' compensation and occupational disease coverage for federally certified
18 prison industries programs must be paid by the prison industries program or by the department of corrections.
19 If the department of corrections pays the premium, reimbursement for premium payments for workers'
20 compensation and occupational disease coverage must be made to the department of corrections by the private
21 company contracting with the federally certified prison industries program for services and products.

22 (7) Inmates not working in a federally certified prison industries training program are not employees,
23 either public or private, and employment rights accorded other classes of workers do not apply to the inmates.
24 Inmates working in a federally certified prison industry program are entitled to coverage and benefits as provided
25 in 39-71-744.

26 (8) Able-bodied persons committed to a state prison as adult offenders must be required to perform
27 work as provided for by the department of corrections, including the manufacture of products or the rendering
28 of services. In order to ensure the public safety, the department may secure inmates performing work."

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